

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

CASE NUMBER: 2:11 CR 16

CHRISTOPHER H. CANNON

Defendant.

**UNOPPOSED MOTION FOR COMPETENCY EXAMINATION AND HEARING TO
DETERMINE MENTAL COMPETENCY OF DEFENDANT (18 USC § 4241)**

The undersigned, as counsel for the defendant CHRISTOPHER H. CANNON, moves the Court pursuant to 18 U.S.C. § 4241(a) for a determination of the defendant's mental competency. The undersigned would request that a psychiatric or psychological examination be conducted and a psychiatric or psychological report be filed with the Court pursuant to the provisions of 18 U.S.C. § 4241(b) and 18 U.S.C. § 4247(b). The purpose of the examination is to determine whether the defendant CHRISTOPHER H. CANNON is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. In support of this motion the undersigned would show the Court the following:

1. The defendant has been charged with one count of knowingly and with the intent to defraud falsely passing counterfeit obligations of the United States in violation of 18 U.S.C. § 472.

2. On April 14, 2011, Magistrate Judge Rodovich conducted a detention hearing and arraignment during which he ordered the defendant detained and notified the defendant that his jury trial is scheduled for June 13, 2011, at 12:30 p.m.

3. The undersigned counsel has attempted to meet with the defendant on numerous occasions both at the holding facility at the Hammond Federal Courthouse and at the Porter County Jail where he is being held pursuant to Magistrate Judge Rodovich's detention order. On each occasion, the defendant has refused to meet with the undersigned counsel. In addition, the defendant has refused to accept any of the undersigned counsel's mail.

4. During the defendant's detention and arraignment hearing on April 14, 2011, the undersigned counsel observed the defendant interrupt the Court by yelling on numerous occasions while the Court was attempting to address the defendant. Judge Rodovich eventually ordered that the defendant be removed from the Courtroom due to his disruptive behavior. The undersigned counsel was informed by both Court staff and Assistant United States Attorney Randall Stewart that the defendant's conduct was consistent with previous hearings before Magistrate Judge Rodovich on April 11, 2011 and April 6, 2011 when he was not represented by counsel.

5. The undersigned counsel believes that there may be good cause to believe that the defendant maybe presently suffering from a mental disease or defect rendering him mentally incompetent to understand the nature of the consequences of the proceedings against him to assist properly in his defense. The undersigned counsel has come to this conclusion based upon the defendant's unwillingness to meet with the undersigned counsel and based upon the undersigned counsel's observations of the

defendant during the April 14, 2011 detention and arraignment hearing before Magistrate Judge Rodovich. As noted above, the undersigned counsel has attempted to personally meet with the defendant with no success and communicate with the defendant on several occasions through the United States Postal Service, via written correspondence. On each occasion, the defendant refused to accept the mail and it has been returned to the undersigned counsel. As a result, the undersigned counsel has been unable to provide to and discuss with the defendant any of the written discovery that has been tendered by the government since the defendant is unwilling to communicate with the undersigned counsel.

6. Pursuant to 18 U.S.C. § 4247(b), the undersigned requests that the defendant be ordered to undergo a psychiatric or psychological examination by a licensed or certified psychiatrist or psychologist. The undersigned requests that defendant be committed to the custody of the Attorney General for placement in a suitable facility wherein the psychiatric or psychological examination shall be conducted. The undersigned further requests that, following the examination, the Court conduct a hearing pursuant to 18 U.S.C. § 4241(a) and (c) and 18 U.S.C. § 4247(d) to determine the defendant's mental competency to proceed.

7. The undersigned counsel has consulted with Assistant United States Attorney Randall Stewart who has advised that he has no objection to this request.

WHEREFORE the undersigned moves the Court to order a psychiatric or psychological examination of the defendant to be conducted by a licensed or certified psychiatrist or psychologist; that the defendant be committed to the custody of the Attorney General for placement in a suitable facility wherein the psychiatric or

psychological examination shall be conducted; and at the conclusion of such examination, that the Court conduct a hearing pursuant to 18 U.S.C. § 4241(a) and (c) and 18 U.S.C. § 4247(d) to determine whether the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Respectfully submitted,

Northern District of Indiana
Federal Community Defenders, Inc.

By: s/ Jerome T. Flynn
Jerome T. Flynn
31 East Sibley Street
Hammond, IN 46320
Phone: (219) 937-8020
Fax: (219) 937-8021

CERTIFICATE OF SERVICE

I hereby certify that, on May 19, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Randall M. Stewart
Randall.Stewart@usdoj.gov

and I hereby certify that I have mailed the document by U.S. Postal Service to the following non CM/ECF participants:

s/ Jerome T. Flynn